

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK

JAMES EDWARDS,

Plaintiff,

-against-

9:05-CV-887  
(LEK/DRH)

TIMOTHY COWIN,

Defendant.

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**DECISION AND ORDER**

This matter comes before the Court following a Report-Recommendation filed ON June 12, 2007 by the Honorable David R. Homer, United States Magistrate Judge, pursuant to 28 U.S.C. § 636(b) and N.D.N.Y. L.R. 72.3(c) of the Northern District of New York. Report-Rec. (Dkt. No. 13).

Within ten days, excluding weekends and holidays, after a party has been served with a copy of a Magistrate Judge's Report-Recommendation, the party "may serve and file specific, written objections to the proposed findings and recommendations," FED. R. CIV. P. 72(b), in compliance with L.R. 72.1. No objections have been raised in the allotted time with respect to Judge Homer's Report-Recommendation. Furthermore, after examining the record, the Court has determined that the Report-Recommendation is not subject to attack for plain error or manifest injustice.

Additionally, a copy of the Report-Recommendation issued by Judge Homer recommending that Plaintiff's action be dismissed for his failure to notify the court of his change of address in accordance with L.R. 10.1(b) was mailed to Plaintiff; it was returned to the Clerk of the Court on

June 18, 2007 the mail as undeliverable. See Dkt. No. 14. The Clerk still has no forwarding address for Plaintiff, who has failed to notify the Court of his change of address. Thus, in accordance with the Local Rules and the reasoning contained in Judge Homer's Report-Recommendation, this action is dismissed.

Accordingly, it is hereby

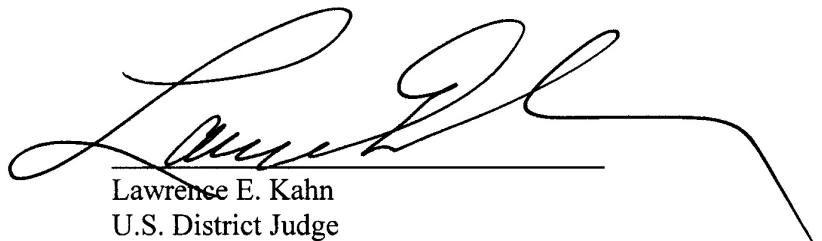
**ORDERED**, that the Report-Recommendation (Dkt. No. 13) is **APPROVED** and **ADOPTED** in its **ENTIRETY**; and it is further

**ORDERED**, that this case is **DISMISSED** in its **ENTIRETY**; and it is further

**ORDERED**, that the Clerk serve a copy of this Order on all parties.

**IT IS SO ORDERED.**

DATED: July 09, 2007  
Albany, New York



Lawrence E. Kahn  
U.S. District Judge